

**To:** Garypie, Catherine[garypie.catherine@epa.gov]  
**Cc:** Steinbauer, Gary[steinbauer.gary@epa.gov]; Ogulei, David[Ogulei.David@epa.gov]; Kemper, Ryan Russell[RKemper@thompsoncoburn.com]  
**From:** Kellmeyer, Joseph  
**Sent:** Tue 2/14/2017 9:07:29 PM  
**Subject:** RE: Motion for Stay

Catherine –

Thank you for your comments. I have incorporated them and sent you the final Motion.

At this time, I don't believe discussions of the agreements between the parties that were left out of the final permit would be productive. Suffice to say, after many discussions and agreements between the parties, your client chose to summarily issue a permit, the draft of which was noticed over two years ago. At this point, it is what it is.

The appeal will be filed tomorrow.

Also, in the future, please include both Ryan Kemper and me as addressees on any correspondence you send regarding this matter.

Thank you.

**Joseph M. Kellmeyer**

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**From:** Garypie, Catherine [mailto:garypie.catherine@epa.gov]  
**Sent:** Tuesday, February 14, 2017 2:39 PM  
**To:** Kellmeyer, Joseph  
**Cc:** Steinbauer, Gary; Ogulei, David

**Subject:** RE: Motion for Stay

Mr. Kellmeyer:

Thank you for the opportunity to review Veolia's proposed motion. Please remove paragraph 6 of the Motion in its entirety and substitute the following language for old paragraph 7 (new paragraph 6): "Following Region 5's review of this Motion, while Region 5 does not take a position on any grounds Veolia has asserted to support this Motion, Region 5 has no objection to the EAB granting the relief requested in this Motion."

With respect the statement in your February 10 email and my February 13 request for clarification regarding the same (see attached emails), please provide a list and description of the specific terms and conditions that you believe constitute "portions of agreements arrived at by the parties during negotiations since 2014 concerning the permit [which] are not reflected in their entirety in the final permit."

Also, in the future, please include both Gary Steinbauer and me as addressees on any correspondence you send to Region 5 regarding this matter.

Thank you.

Catherine Garypie, Associate Regional Counsel

Office of Regional Counsel

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**From:** Kellmeyer, Joseph [<mailto:JKELLMEYER@thompsoncoburn.com>]  
**Sent:** Tuesday, February 14, 2017 10:11 AM  
**To:** Garypie, Catherine <[garypie.catherine@epa.gov](mailto:garypie.catherine@epa.gov)>  
**Subject:** Motion for Stay

Catherine –

Attached is a copy of the Motion we would like to file following your review. Please review as soon as possible.

The statement you reference in your e-mail reflects the fact that portions of agreements arrived at by the parties during negotiations since 2014 concerning the permit are not reflected in their entirety in the final permit.

Let me know if you have any questions. Thanks!

Joe

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